

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

Criminal File No. 15-114 (MJD/TNL)

(1) PATRICK JON EVERS,

Defendant.

LeeAnn K. Bell, Kevin S. Ueland, and Manda M. Sertich, Assistant United States Attorneys, Counsel for Plaintiff.

Frederick J. Goetz, Goetz & Eckland PA, Counsel for Defendant.

Based upon the files, records, and proceedings herein, **IT IS HEREBY**

ORDERED:

1. The Court's Order denying the Motion for Reconsideration dated March 14, 2016 [Docket No. 82] is **VACATED**.
2. Defendant's Motion for Reconsideration of Order Granting Government's Motion to Exclude Testimony of Joseph Warpeha, Ph.D. [Docket No. 81] is **GRANTED**. Dr. Warpeha's testimony is limited to explaining the physiology and body mechanics of the exercises that Defendant is doing in the surveillance video

recordings, including what parts of the body are worked or stressed during these exercises.

Dated: March 14, 2016

s/ Michael J. Davis

Michael J. Davis

United States District Court